

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

<b>CALVIN R. LUCKEY and wife,</b>	)	
<b>PEGGY G. LUCKEY, et al,</b>	)	
	)	
<b>Plaintiffs,</b>	)	<b>CIVIL ACTION NO.:</b>
	)	<b>3:98CV394</b>
<b>vs.</b>	)	
	)	
<b>ACandS, INC., et al,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**ORDER OF DISMISSAL OF DEFENDANT**

This Court, with the consent and approval of the parties, hereby dismisses without prejudice, Plaintiffs' Complaint, as to Plaintiffs Donnie I. Bailey, Theodore Ballard, Jr., Rothelle R. Bigham, Deceased, Ronner Byers, Clarence Luckey, Sr., Raymond L. Moore, Roger Franklin Thomas, Walter D. Thompson, Victor E. Yount, Tony E. Rogers, Kenneth G. Smith and William E. Smith only, in the above-styled causes of action, against Defendant D. B. Riley, Inc, f/k/a Riley Stoker Corporation.

Signed: August 11, 2006



Lacy H. Thornburg  
United States District Judge



**PREPARED AND SUBMITTED BY:**

/s/ E. Elaine Shofner

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	)	
<b>Defendants.</b>	)	
	)	

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 10, 2006, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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and I certify that I have mailed the document to the following non CM/ECF participant:

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